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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL ACTION

v.

LEE E. DAVIS, JR.

NO. 09-343

ORDER

FILED

NOV 04 2009

MICHAEL E. KUNZ, Clerk  
By: AK Dep. Clerk

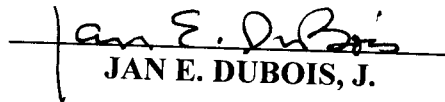
AND NOW, this 4th day of November, 2009, upon consideration of the Government's Motion *in Limine* and Memorandum of Law to Admit Evidence of Crimes and Acts as Part of the Charged Scheme to Defraud, or, in the Alternative, to Admit Evidence of Similar Crimes and Acts Pursuant to Rule 404(b) of the Federal Rules of Evidence (Document No. 44, filed Sept. 16, 2009); Defendant's Reply to the Government's Motion *in Limine* an Memorandum of Law to Admit Evidence of Crimes and Acts as Part of the Charged Scheme to Defraud, or, in the Alternative, to Admit Evidence of Similar Crimes and Acts Pursuant to Rule 404(b) of the Federal Rules of Evidence (Document No. 47, filed Sept. 29, 2009); Defendant's Motion *in Limine* and Memorandum of Law to Exclude Evidence Under Rule 403 of Federal Rules of Evidence (Document No. 48, filed Sept. 29, 2009); the Government's Response to the Defendant's Motion to Exclude Evidence (Document No. 52, filed Oct. 9, 2009); Defendant's Motion for Production of Evidence (Document No. 46, Sept. 29, 2009); Defendant's Request to Subpoena Documents Under Rule 17 of the Federal Rules of Criminal Procedure and Motion *in Limine* and Memorandum of Law to Admit Impeachment Evidence for Government Witnesses (Document No. 49, filed Sept. 29, 2009); and the Government Letter of October 9, 2009 (Document No. 52, filed Oct. 9, 2009), for the reasons stated in the Memorandum of November 4, 2009, **IT IS ORDERED** as follows:

- (1) Government's Motion *in Limine* to Admit Evidence of Crimes and Acts as Part of

the Charged Scheme to Defraud, or, in the Alternative, to Admit Evidence of Similar Crimes and Acts Pursuant to Rule 404(b) of the Federal Rules of Evidence is **DENIED AS MOOT**;

- (2) Defendant's Motion *in Limine* to Exclude Evidence Under Rule 403 of Federal Rules of Evidence is **GRANTED** with respect to evidence of the Regency Oaks settlement agreement, **WITHOUT PREJUDICE** to the government's right to seek reconsideration if warranted by evidence or arguments presented at trial, and **DENIED** with respect to evidence of the Joe Wilson bond;
- (3) Defendant's Motion for Production of Evidence is **DENIED AS MOOT**;
- (4) Defendant's Request to Subpoena Documents Under Rule 17 of the Federal Rules of Criminal Procedure is **GRANTED**, by agreement of the parties. Defendant's Motion *in Limine* to Admit Impeachment Evidence for Government Witnesses is **DENIED WITHOUT PREJUDICE** to the right of defendant to seek reconsideration if warranted by evidence or arguments presented at trial.

**BY THE COURT:**

  
JAN E. DUBOIS, J.

11-4-04 FAXES AND  
EMAILS to:  
F. Costello, ~~ASA~~  
R. Harr, ESQ